

REMARKS

Reconsideration and allowance are respectfully requested.

Claims 1-4, 6 are patentable under 35 U.S.C. 112 second paragraph.

All means plus functions language has been removed from the claims so that claims are not indefinite.

Claims 1-4, 6 are patentable under 35 U.S.C. 103(a) over Nickel (U.S. 3,306,564) in view of Carlin (EP patent 0683,998).

Although Nickel is directed at providing a suspension arrangement for displaying products in a store, it does not obtain the same effect as the present invention. The present invention provides an aesthetically pleasing suspension arrangement, especially adapted to integrate power consuming articles in the display where a solution for hiding electrical wires is required.

The advantages of the present invention are due to the mounting means of the plate which interact with coupling means on a support. Nickel does not provide any solution how the plate should be mounted on a wall or surface.

Even though it could be stated as common knowledge to mount a perforated hardboard with supports to a wall by use of simple mounting-like a screw and a hole in the wall then such construction will not make it possible to obtain the same effect seeing that there will not be provided a space behind the plate in which electrical wires of power consuming articles can be hidden.

Nickel does discloses that a hook 20 has a hook portion 21 extending from the rear surface of the plate then, however there is no indication of spacer means to be arranged behind the plate in order to create sufficient space for the hook part 21 to extend from the rear surface.

However, it is believed that a person with ordinary skills would just provide a spacer having a size which allows for the hook part 21 to be arranged on the rear side. There is no indication in that a skilled person would provide the plate with mounting means which interact with coupling means on a support.

With the present claim set the new independent claim for the plate has been drafted in order to illustrate the specific details that are important, namely the coupling between the back side and the supports.

As it occurs from the above, novelty is obtained over Nickel with the provision of mounting means on the back side. Moreover, the mounting means would solve a problem with the possibility of concealing electrical wires of power consuming articles attached to the suspension arrangement.

In the new independent claims for the plate the specific form of the suspension fittings is not mentioned. However, having basis in the original description page 4, lines 16-25, it is believed possible to mount suspension fittings in different forms in the holes established in the plates. Therefore, the suspension fittings may be designed in different ways known per se for bearing against the front side of the wall as well as the back side of the plate.

In the original application there is a disclosure for a plate to use in a suspension arrangement having suspension fittings which could be designed in different ways. Therefore, it is believed that the new independent claims should be acceptable.

Please acknowledge that Carlin teaches mounting means. However, the mounting means 3 is a screw which is connected directly with the wall. Therefore, this mounting means would not provide for a space behind the mounting plate.

It is acknowledged that the grooves 32 on the plate cooperate with projections 29 on a support 28. However, even if this combination is used then it should be remembered that these are only used seeing that the construction according to Carlin is a number of individual or horizontal boards. Accordingly, Carlin does not teach a plate. If Carlin should be used then a number of the boards should be provided in order to establish a plate in the sense according to the present invention.

Restriction Order

Applicant provisionally elects Species I and traverses the requirement for restriction. Claims 1-7 are elected as reading on the elected Species I. Claim 1 is generic.

The inventions as described in the claims are neither independent nor distinct. In fact, the inventions as claimed arise from the same inventive effort. Where inventions are neither independent nor distinct, restrictions should not be required. Where inventions arise from the same inventive effort, restriction should not be required. See MPEP 802.

MPEP 802.01 points out that a sub-combination and a combination are not independent inventions, and that a process and an apparatus used in the practice of the process are not independent inventions. That same section points out that independent means that there is no disclosed relationship between the subjects disclosed.

The examiner has not made any requirement based on the subject matter being independent. Therefore it is understood that the examiner concedes that the subject matter is not independent.

The examiner's requirement for restriction is based upon his holding that the subjects are distinct. That is, as pointed out in Section 802.01, the examiner has held that the subject matter as claimed:

are capable of separate manufacture, use or sale as claimed, AND ARE PATENTABLE (novel and unobvious) OVER EACH OTHER.

The examiner has held under Section 803 that the claimed inventions: are able to support separate patents and they are ... distinct (MPEP Section 806.05-806.05(i)).

However, Section 803 unequivocally states:
If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

So that Section 803 makes its point clearly, the serious burden requirement is repeated under the title:

CRITERIA FOR RESTRICTION BETWEEN PATENTABLY DISTINCT INVENTIONS

Section 803 goes on to state that there are two criteria for a restriction requirement: one, that the inventions must be distinct as claimed; and two, that there must be a serious burden on the examiner if restriction were not required.

Section 803 goes on to state under GUIDELINES that an examiner must provide reasons and/or examples to support conclusions. The examiner has never stated that there would be a serious burden on the examiner if restriction were not required. Indeed, there should be no serious burden on the examiner.

The subclasses the examiner has cited are all close together and are all within the subclasses which the examiner regularly searches, and all require searching. Indeed, it would not be unreasonable for the examiner to search three subclasses that were close together. Therefore, restriction should not be required.

The inventions of Species I, II, III and IV are not different combinations in that they do not have "different modes of operation" as required by 806.04. Moreover, where inventions are related as disclosed but are not distinct as claimed, restriction is never proper (MPEP 806). The

inventions are not distinct as claimed. Moreover, there is no serious burden on the examiner because all of the subclasses and all of the inventions as claimed should be checked in subclasses noted.

MPEP 806 provides that if the inventions are not distinct as claimed, restriction is never proper. Moreover, Section 806.05(h) emphasizes "as claimed" and falls under the cautions of 806 and 806.05, both of which state, "where the inventions are related as disclosed but are not distinct as claimed, restriction is never proper".

In addition, in the present case the particular criteria and guidelines of 803 must be followed in that there must be a serious burden on the examiner if restriction were not required. In the present case, all of the groups must be searched in all of the subclasses which the examiner has pointed out. All are properly classified and searched together, and the search for one group would not be complete without searching all of the subclasses that the examiner has pointed out.

There should be no hardship on the examiner to complete examination for all groups, because the same structural installation is required in all groups. The Examiner simply states that the different Species fall in different classes/subclasses but has not provided any evidence to support such a contention.

The examiner has not adequately considered and compared the apparatus as claimed and the process as claimed.

It is impossible that (1) the process as claimed can be practiced by hand or by another and materially different apparatus than the apparatus as claimed.

The claims are different expressions of the single invention, and are neither independent nor distinct.

New Claims

New Claims 11-17 have been added. Claim 11 is independent. Claims 12-17 depend on new claim 11. Support for new claims can be found in claims as originally filed.

CONCLUSION

Reconsideration, allowance and withdrawal of the restriction requirement are requested.

Respectfully,

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